

APPLICANT: NORWOOD KB LLC
APPLICANT'S ATTORNEY: Jennifer Krimko, Esq.
APPLICATION NO.: 2020-03
BLOCK 28, LOTS 87 & 88

**RESOLUTION OF THE
PLANNING BOARD
OF THE BOROUGH OF WEST LONG BRANCH**

**GRANTING BULK VARIANCE RELIEF
AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, NORWOOD KB LLC, hereinafter referred to as the "Applicant", filed an application with the Planning Board of the Borough of West Long Branch (hereinafter referred to as the "Board"), seeking preliminary and final major site plan approval and related bulk variance relief pertaining to the proposed development of the subject property with an age-restricted townhouse project;

WHEREAS, the application pertains to the premises designated as Block 28, Lots 87 and 88, on the Tax Map of the Borough of West Long Branch, which premises are commonly known as 310 Norwood Avenue, West Long Branch, New Jersey;

WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider, and decide the application at issue;

WHEREAS, the Board held public hearings with regard to the referenced application on November 10, 2020 and February 8, 2021; and

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearings, does hereby make the following findings of fact:

1. The subject property is located in the SH-1 (Senior Housing-1 Residential) Overlay Zone. Age-restricted multifamily developments are permitted uses in said zone.

2. The applicant submitted the following exhibits into evidence: Preliminary & Final Major Site Plan, prepared by James A. Kennedy, PE, of Kennedy Consulting Engineers LLC, consisting of 17 sheets, dated 3/12/20, last revised 10/22/20 (A-1); Boundary & Topographical Survey, prepared by John T. Lutz, PLS, of Yorkanis & White, Inc., consisting of 2 sheets, dated 7/10/14, last revised 12/13/19 (A-2); Architectural Plans, prepared by Daniel C. Simon, RA, of NVR, Inc., consisting of 27 sheets, dated 6/15/20 (A-3); Stormwater Management Report, prepared by James A. Kennedy, PE, of Kennedy Consulting Engineers LLC, dated 5/7/20 (A-4); Environmental Impact Report, prepared by Kennedy Consulting Engineers LLC, dated May 2020 (A-5); Trip Generation Narrative, prepared by Kennedy Consulting Engineers LLC, dated 5/11/20 (A-6); Application for Environmental Commission Site Plan Review (undated) (A-7); Development Regulations Checklist, dated 6/18/20 (A-8); Zoning Officer's Review Form, dated 6/18/20 (A-9); Color-enhanced version of exhibit A-1 site plan (A-10); Location Aerial exhibit prepared by Kennedy Consulting Engineers LLC, dated 11/20/20 (A-11); Amended Layout Plan, prepared by James A. Kennedy, PE, of Kennedy Consulting Engineers LLC, consisting of one sheet, dated 1/26/21 (A-12); Site Plan Rendering, prepared by Kennedy Consulting Engineers LLC, consisting of one sheet, dated 2/10/21 (which date was a typographical error and should have referenced 2/8/21) (A-13); Prevailing Setback exhibit, prepared by Kennedy Consulting Engineers LLC, dated 2/10/21 (which date was a typographical error and should have referenced 2/8/21) (A-14); Standard Townhouse Elevation Rendering (A-15); Condo Flat Elevation Rendering (A-16); and Alternative Townhouse Elevation Rendering (A-17).

3. James A. Kennedy, PE, the applicant's Professional Engineer, testified in support of the application. Mr. Kennedy advised that the site is located at 310 Norwood Avenue, within the SH-1 Overlay Zone. He noted that the subject property was known as the "Sheehan Estate", and he indicated that the dwelling that had existed at the site for many years was lost to fire. Mr. Kennedy pointed out that the property has 506 feet of frontage on Norwood Avenue, which is a County Road. He added that Norwood Avenue divides the Borough from the neighboring City of Long Branch. Surrounding the site are single-family residences in the Borough's R-15 zone, with several professional offices located to the north of the property along Norwood Avenue.

4. Mr. Kennedy confirmed that all of the units within the project will be condominium units, and that all units will be age-restricted. He added that the applicant will comply with Ordinance affordable housing requirements. Mr. Kennedy noted that a 3-story, 35 feet high structure is permitted in the SH-1 Overlay Zone. He pointed out that this would allow the "bulk" of the project to be centered on the site, but would yield a big rectangular building with 64 units. Mr. Kennedy suggested that such a structure would be inconsistent with the surrounding residential area. He opined that the proposed townhouse project would be preferable to such a structure, but because the townhouse project "spreads out" the development, it generates the need for certain bulk variance relief.

5. Mr. Kennedy testified that the County Planning Board has required a single entrance driveway and a single exit driveway at the site. He noted that the County must also approve stormwater management facilities, insofar as the project will be tying into the County drainage system along Norwood Avenue. Mr. Kennedy further stipulated that proposed grading and drainage at the site will also be subject to review and approval by the Board Engineer. He stated that building downspouts will be piped into the project

drainage facilities at all locations not otherwise prohibited by the NJ DEP. Mr. Kennedy testified that the project will have no adverse drainage impact upon surrounding properties, and he added that post-development surface water runoff will be less than current runoff. Mr. Kennedy indicated that the County drainage system located in Norwood Avenue “blocks” access to the sanitary sewer facilities in that street, preventing a gravity tie-in there. He added that the Two Rivers Water Reclamation Authority suggested running the sewer line out the rear of the property and tying into facilities located in Brookwillow Avenue. Mr. Kennedy indicated that the applicant has acquired an easement across adjacent Lot 72 for this purpose. He further confirmed that the easement will allow neighbors to the rear of the site to also tie into the sewer connections at that point. Mr. Kennedy advised that the site is located in a CAFRA zone, and the NJ DEP therefore also has jurisdiction over the project. He stated that the applicant has received a LOI from the NJ DEP confirming that there are no wetlands or wetlands buffer areas at the site.

6. Mr. Kennedy pointed out that no club house or community room is proposed for the development. He indicated that although a club house facility might be more appropriate for a large apartment building, here the applicant instead provides patios behind the units and passive green space throughout the development. Mr. Kennedy stipulated that the applicant will comply with the recommendations of the Board Engineer regarding enhancing the landscaping at the site. He also described the two identification signs proposed for the entrance drive, and advised that a variance is required insofar as the Ordinance limits the project to a single sign. The signs will each be set back 10 feet from the property frontage, whereas 20 feet is required, and each will be illuminated by ground-mounted lights. Mr. Kennedy also stated that the proposed site lighting will be subject to review and approval

by the Board Engineer, and that site lights will be “back shielded” where designated by the Board Engineer.

7. During the course of the proceedings, the applicant revised the plans at issue. Mr. Kennedy reviewed the changes, and noted that the applicant reduced the proposed footprints of the buildings and increased the proposed perimeter setbacks of the project. The proposed setback from Norwood Avenue was also increased. Mr. Kennedy testified that the prevailing setback of neighboring structures from Norwood Avenue is 39 feet to 40 feet; this project will have an equal or greater setback, but will nevertheless require setback variance relief. He stated that the project will be under permitted density, and he indicated that the plan revisions reduce the building coverage from the initially proposed 28% to 25.2%, and also reduce lot coverage from the initially proposed 56.4% to 52.3%. Mr. Kennedy further advised that the project will conform to RSIS and Ordinance parking requirements.

8. Mr. Kennedy pointed out that the previously proposed trash enclosure has been eliminated from the revised plans. Trash cans will be stored within the respective garages of the townhouse units, whereas an exterior storage pad has been added to the plan to accommodate the trash cans for the condo flat units. Mr. Kennedy stipulated that a second such pad will be added to the plan, and the pads will be located pursuant to the Board Engineer’s direction. He also advised that the project will comply with the requirements of the NJ Hotel & Multiple Dwellings Act regarding trash storage and removal, and counsel for the applicant added that the association will be responsible for overseeing compliance.

9. Jack Chudovan, R.A., the applicant’s Architect, also testified regarding this matter. He advised that the project is a 53-unit, age-restricted townhouse project. All of the buildings of the development will be 2 stories tall, and none will exceed 35 feet in height.

Mr. Chudovan added that the units will have different numbers of bedrooms, and some units will have bedrooms on the first floor, but no units will have more than 3 bedrooms. He further confirmed that the bedroom mix will comply with affordable housing requirements. No attic space is provided for any of the units. Mr. Chudovan indicated, however, that some of the units will have basements while others will be built on slabs, and this will be dependent upon the water table at the property and related engineering. Mr. Chudovan stated that HVAC condensers will be ground-mounted, and any decks and/or patios will be built at-grade. Mr. Chudovan reviewed renderings of the proposed units, and testified that the facade materials of the affordable housing units will be similar in nature and appearance to the facade materials of the market-rate units, and that the affordable housing units will be integrated into the project as a whole.

10. John Rea, PE, the applicant's Traffic Engineer, also testified in support of the application. Mr. Rea stated that age-restricted developments produce little traffic. He advised that the project will generate 11 trips during the morning peak hour of 7:30 AM to 8:30 AM, and 15 trips during the afternoon peak hour of 4:45 PM to 5:45 PM. Mr. Rea opined that the ingress and egress proposed for the site is safe and efficient. He noted that Norwood Avenue is a County Road, and he added that he believes the County will approve the project as designed. Mr. Rea stated that ample on-site parking is provided, and he confirmed that the development will conform to both RSIS and Ordinance parking requirements.

11. Richard M. Preiss, PP, the applicant's Professional Planner, also testified regarding this matter. He pointed out that no "D" variance relief is required for this project; the variances at issue are all "bulk" ("C") variances. The deviations at issue include: deficient front yard setback; deficient rear yard setback; deficient side yard setback; excess

building coverage; excess lot coverage; deficient buffer area; the absence of a club house and the absence of recreational facilities; two identification signs where only one is permitted, as well as the deficient setback of the signs; and excess fence height.

12. Mr. Preiss opined that the C(2) (“flexible C”) criteria support granting relief for the deviations at issue, in that approval of the project will advance the purposes of zoning, and the benefits of same will substantially outweigh any detriments. He noted that approvals will allow development of the site with a new senior housing community serving seniors of all income levels. The project will not only address the demand for senior housing, but it will also contain 11 affordable housing units, and thereby assist the Borough in meeting affordable housing obligations. Mr. Preiss stated that the project advances a number of purposes of the Municipal Land Use Law, including facilitating the appropriate use of land, establishment of appropriate population densities, creation of a desirable visual environment, and facilitation of senior citizen housing development.

13. Mr. Preiss added that the benefits of the project substantially outweigh any detriments, and that no substantial detriments will result from the proposal. Although the Ordinance permits density of 10 units per acre, the proposal yields only 8.4 units per acre. Mr. Preiss also pointed out that the Ordinance allows for a 3-story building, but same would likely result in a parking area that encircles the building, thereby placing parking closer to the perimeter of the site and neighboring residences. Here, the building heights are two stories and no greater than 35 feet, which is consistent with neighboring residences. Because the development is more spread out across the site than would be an otherwise permitted large, centralized apartment or condominium structure, however, there is the need for certain setback and buffer relief. Mr. Preiss nevertheless opined that the plan as revised provides sufficient separation and buffer from neighboring properties. He pointed

out that a 25 foot buffer is proposed around most of the perimeter of the site, and that only one small area of the buffer is slightly less than 25 feet. Mr. Priess also asserted that proposed excess building coverage and lot coverage is *de minimis* in nature and scope. He noted, for instance, that the proposed on-grade patios (or on-grade decks, as the case may be) contribute to proposed coverage, but these provide a desirable amenity for the units. Mr. Priess added that the limited scale of this project does not require a club house or active recreational amenities, and the development provides ample passive open space and unit patio space in lieu thereof.

14. Mr. Priess also addressed the proposed project identification signage, noting that two identification signs are proposed, whereas only one is permitted under the Ordinance. In addition, the signs will each have a 10 foot setback, whereas 20 feet is required. Mr. Priess asserted that the two signs proposed at the entrance driveway will serve to better identify the site, and the proposed setback will enhance the visibility of the signs for those traveling along Norwood Avenue. He added that the sign materials, and their limited external illumination, will be aesthetically pleasing. Mr. Priess also reviewed the proposed fencing for the project, and noted that the 6 foot high fence along the side and rear property lines serves to better buffer the site from neighboring residences, and the proposed 4 foot high fence at the drainage basin will help to secure the basin and screen it from view from the street. Mr. Priess added that the Environmental Impact Statement confirms that no adverse environmental impact will result from the project. He also noted that the proposal will allow for the redevelopment of this site that has existed for a number of years with a dilapidated estate dwelling. Moreover, the project is consistent with the Master Plan and applicable zoning, and it serves to facilitate provision of senior citizen housing for individuals across all income levels.

15. Mr. Priess also gave specific testimony regarding the affordable housing component of the project. He noted that 2 of the 11 affordable units will be for very low income individuals, and he confirmed that the project will satisfy all Ordinance and NJ Uniform Housing Affordability Control (“UHAC”) affordable housing standards and requirements. He pointed out that the project complies with the 20% affordable housing set aside as required by the Ordinance, and also complies with the required affordable housing bedroom mix, with 3 affordable units containing 3 bedrooms, 6 affordable units containing 2 bedrooms, and 2 affordable units containing 1 bedroom. Mr. Priess stated that the affordable units are not limited to a single building, but rather are located in two of the buildings on the property, with one of those buildings also containing a market-rate unit. In addition, the buildings containing affordable units are not isolated on the site, but rather are integrated among the other buildings on the property as part of the overall development. Mr. Priess testified that the affordable units will have the same access to all areas of the site as do the market-rate units. He also noted that the exteriors of the buildings containing the affordable units will be similar in architectural design to the market-rate units and will have the same quality aesthetics. Mr. Priess concluded that the project meets the integration requirements of the affordable housing regulations.

16. The Board also had the benefit of review and comment regarding this matter by Fran Mullan, PE, the Board’s Professional Engineer, and Stan Slachetka, PP, the Board’s Professional Planner. Mr. Slachetka stated that he agreed with Mr. Priess regarding the project’s satisfaction of affordable housing integration requirements.

17. A number of interested parties appeared and raised questions and/or offered comments regarding this matter (although many of these interested parties appeared at the first hearing, prior to revision of the plan). The interested parties included the following.

(a) Mr. Gary Neuwirth, residing at 19 Mitchell Terrace, inquired about reducing the number of units and increasing buffer areas. (b) Ms. Toby Graff, residing at 26 Brookwillow Avenue, asked about fencing and evergreen screening. (c) Mr. Elpidio “Pete” Cruz and Ms. Petagay Cruz, both residing at 20 Mitchell Terrace, also appeared. Mr. Cruz raised questions about trash facilities and drainage issues, and commented about traffic on Norwood Avenue. Ms. Cruz inquired about the size of certain of the units. Both Mr. Cruz and Ms. Cruz indicated that they would like to see the setback from the northern property line increased; counsel for the applicant responded that the setback from the northern property line conforms to Ordinance requirements. (d) Mr. Joe Roberts, residing at 355 Norwood Avenue, asked whether there were gates in the fencing. (e) Mr. Joe Lospino, residing at 350 Norwood Avenue, inquired about the nature of the project. (f) Ms. Diane Russomano, residing at 21 Mitchell Terrace, asked whether part of the perimeter could be fenced and part screened with evergreens. (g) Ms. Elizabeth Reeves advised that she is a student at Rutgers University, and she was observing the meeting in conjunction with her studies.

18. The Board finds that the subject property is a 6.4 acre site located in the SH-1 (Senior Housing-1 Residential) Overlay Zone. The site has 506 feet of frontage along Norwood Avenue, a County Road. The property was known as the “Shaheen Estate”. It was improved with a large dwelling and gravel driveway, and was partially wooded. The dwelling fell into disrepair, was damaged by fire, and apparently sat vacant for a number of years. Norwood Avenue divides the Borough from the City of Long Branch to the east; residential properties are located across Norwood Avenue from the site. To the north, west, and south of the property are single-family dwellings located in the Borough’s R-15 zone. Several professional offices also exist to the north of the site on Norwood Avenue.

19. The Board finds that the applicant proposes to develop the subject property with an age-restricted senior citizen housing development including an affordable housing component; this is a permitted use in the SH-1 Overlay Zone. The development will be in condominium form of ownership. The project will consist of a total of 53 units, including 11 affordable housing units, and 2 of the 11 affordable units will be very low income units. The applicant's witnesses confirmed that the project will conform to all Ordinance and NJ Uniform Housing Affordability Control ("UHAC") affordable housing standards and requirements. The applicant's witnesses further confirmed that no "D" variance relief is required for the proposal. The applicant seeks, and the project requires, preliminary and final major site plan approval and related bulk ("C") variance relief. The proposed bulk deviations are as follows: deficient front yard setback (40 feet proposed; 75 feet required); deficient rear yard setback (38.9 feet proposed; 100 feet required); deficient side yard setback (28.5 feet proposed; 50 feet required); excess building coverage (25.3% proposed; 25% maximum allowed); excess lot coverage (52.4% proposed; 50% maximum allowed); absence of club house or community room; absence of designated recreation area; deficient buffer at one location (23.4 feet proposed; 25 feet required); excess fence height in front yard area (6 feet proposed at perimeter and 4 feet proposed at drainage basin; 3 feet maximum allowed); excess signs (2 identification signs proposed; only 1 allowed); and deficient sign setback (10 feet proposed; 20 feet required).

20. The Board agrees with the applicant's Professional Planner, and finds that the C(2) ("flexible C") criteria support granting the bulk variance relief at issue in this matter. The Board finds that granting this relief advances the purposes of zoning, and that the benefits of same will substantially outweigh any detriments. This is so for the following reasons. First and foremost, the project will provide senior citizen housing. This advances

a specifically enumerated purpose of the Municipal Land Use Law. Further, the project is consistent with the Master Plan and expressly permitted in the SH-1 Overlay Zone at issue. Moreover, the project will include an affordable housing component as required by the Ordinance, and serve to assist the Borough in meeting its affordable housing obligations. The Board finds that the benefits of this project - - a well designed, attractive, age-restricted senior citizen housing development including a conforming affordable housing component - - substantially outweigh any detriments, and indeed, for the reasons given below, the Board finds that no substantial detriments will result from granting the relief here at issue.

21. The Board finds that a large, three-story building containing more than 60 units could be constructed at the site pursuant to the Ordinance, and the parking area for same would likely encircle the building around the perimeter of the site, placing parking near to surrounding residences. The Board finds that the proposed townhouse project will be much more compatible in scope and design with the surrounding residential neighborhood, than would a large, centrally located building with surrounding parking. The townhouse project, however, because it is more “spread out” in design, generates certain bulk deviations as referenced above. The benefits of granting relief for these deviations substantially outweigh any detriments.

22. The Board also notes that the applicant made significant revisions to the plan during the proceedings. These revisions reduced the footprints of the buildings, resulting in the reduction of proposed building coverage from the initially proposed 28% to the revised 25.3% (25% maximum allowed) and the reduction of lot coverage from the initially proposed 56.4% to the revised 52.4% (50% maximum allowed). These changes also allowed for increased perimeter setbacks and increased buffer area. The plan revisions serve to significantly improve the project, while mitigating proposed deviations.

23. The Board finds that granting the relief at issue will have no adverse impact upon neighboring properties, and the Board further finds that this relief can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance. Regarding the front yard setback deficiency (40 feet proposed, 70 feet required), the Board finds that the units nearest to Norwood Avenue are not inconsistent in their setback from the street with neighboring residences. In addition, because of the layout of the development, the deviation pertains only to two units; one at the northeast corner of the development and the other at the southeast corner. The Board finds that the proposed setback for these two units is sufficient, and the deviation is mitigated further by the angle of these units vis-a-vis the street. Regarding the rear yard setback deviation (38.9 feet proposed; 100 feet required), the Board notes that the smallest setback is at the southwest corner of the development, with the prevailing setback being approximately 50 feet, and with the required 25 foot buffer being maintained. The Board finds that the proposed setback is adequate, and that any adverse visual impact that might otherwise result will be mitigated by the two-story height of the buildings and the perimeter fencing and buffer area. Regarding the deficient side yard setback (28.5 feet proposed; 50 feet required), the Board finds that this pertains to only one unit, whereas the prevailing setback for the other units is 50 feet or greater. Nearby to the unit with the deficient side yard setback is the area where a small corner of pavement from a drive aisle is set back 23.4 feet, thereby encroaching slightly into the required 25 foot buffer; the balance of the buffer around the site otherwise conforms. The Board finds that the building coverage deviation (25.3% proposed; 25% maximum allowed) and lot coverage deviation (52.4% proposed; 50% maximum allowed) are each *de minimis* in scope. The Board also notes the plan revisions referenced above that resulted in

reductions in the coverages as initially proposed. Further, the minor excess coverage allows amenities such as the patios (or decks) proposed for the project. As a result of the limited scale of this project, the Board finds that a club house or other designated recreation area is not required. The project provides ample green space, as well as private patios, all offering sufficient passive recreation space. On the issue of recreation space, the Board also notes the proximity of the site to Monmouth University, Borough parks, and the nearby beachfront. The Board finds that the two proposed monument signs, one on each side of the entrance drive and each set back 10 feet from the property frontage, are reasonable and necessary to identify this senior citizen development to vehicles traveling along Norwood Avenue in either direction. The Board grants relief to allow two signs, where only one is permitted under the Ordinance, as well as to allow the 10 foot setback of each, whereas a 20 foot setback is otherwise required. The Board finds that no adverse visual impact will result from granting this relief, insofar as the signs will be modest in size, attractive in design, and illuminated only by exterior ground-mounted lights.

24. The Board further finds that a number of other factors also confirm that granting the relief at issue will have no adverse impact upon neighboring properties or the zone plan. The project will yield density within Ordinance limits (8.4 units per acre proposed; 10 units per acre allowed). The development will meet RSIS and Ordinance parking requirements. The buildings will be limited to two-stories in height, and the site will be appropriately buffered, landscaped, and fenced. So as to avoid adverse drainage impact, grading and drainage facilities will be subject to review and approval by the Board Engineer (and the County of Monmouth to the extent of its jurisdiction). An environmental impact statement has been provided, and beyond that, the project will also be subject to applicable NJ DEP requirements.

25. Rather than creating any negative impact, the Board finds that granting relief for this project will allow for this formerly neglected, rundown site to be developed with a permitted senior citizen housing development with an affordable housing component. This advances an express purpose of the Municipal Land Use Law, helps to address the demand for senior housing, and also assists the Borough in meeting affordable housing obligations. The Board finds that the project is well designed, attractive, and tailored to the site. The Board expressly finds that the affordable units and the two buildings they occupy are well integrated into the project. The buildings containing the affordable units are not isolated, but rather are incorporated among the other buildings on the property as part of the overall development. The affordable units will have the same access to all areas of the site as do the market-rate units, and the exterior of the buildings containing the affordable units will be similar in architectural design, have the same quality aesthetics, and have similar landscape treatment as the market-rate units.

26. The Board further finds that preliminary and final major site plan approval can and should be granted regarding this project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board, that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough of West Long Branch would be advanced by deviation from the zoning ordinance requirements at issue, and further that the benefits of such deviation would substantially outweigh any detriments resulting from approval of this application.

2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and zoning plan.

BE IT FURTHER RESOLVED by the Board that the following bulk (“C”) variance relief be and is hereby GRANTED:

1. Variance relief to permit the proposed front yard setback of 40 feet (for Unit #36 in Building 3, and 44.8 feet for Unit #1 in Building 2, as shown on the plans), whereas 75 feet is required;

2. Variance relief to permit the proposed rear yard setback of 38.9 feet (for Unit #7 in Building 4, and 40.9 feet for Unit #6 in Building 4, and the rear yard setbacks of the other Units in Buildings 4, 5, and 6 as specifically depicted on the plans, which setbacks are all approximately 50 feet), whereas a rear yard setback of 100 feet is required;

3. Variance relief to permit the proposed side yard setback of 28.5 feet for Unit #32 in Building 1 as depicted on the plan, whereas 50 feet is required;

4. Variance relief to permit total proposed building coverage of 25.3%, whereas 25% building coverage is the maximum allowed;

5. Variance relief to permit total proposed lot coverage of 52.4%, whereas 50% lot coverage is the maximum allowed;

6. Variance relief to allow the absence of a club house or community room (which pursuant to Ordinance is otherwise to be provided consisting of an area equal to 10 square feet per residential unit);

7. Variance relief to allow the absence of a designated recreation area (which pursuant to Ordinance is otherwise to be provided consisting of an area equal to 50 square feet per residential unit);

8. Variance relief to allow one part of the buffer as depicted on the plan to be 23.4 feet wide, whereas the Ordinance requires the perimeter buffer to be 25 feet in width;

9. Variance relief to allow two identification signs as depicted on the plans, whereas the Ordinance limits the project to one sign;

10. Variance relief to allow each of the identification signs to be set back 10 feet from the property frontage as depicted on the plans, whereas a 20 foot setback is otherwise required;

11. Variance relief to permit the fence heights as depicted on the plan, notwithstanding that 6 foot high portions of the fencing project into front yard areas, and a 4 foot high fence surrounds the detention basin in the front yard area, whereas the Ordinance otherwise limits fence height in front yard areas to no more than 3 feet.

BE IT FURTHER RESOLVED by the Board, that Preliminary And Final Major Site Plan approval be and is hereby GRANTED regarding this matter.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.

2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.

3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.

4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.

5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.

5A. Subject to the Applicant posting required performance bonds and/or guarantees, as well as engineering and inspection fees, in amounts fixed by the Board and/or municipal Engineers, and in such form as shall be acceptable to the Borough Attorney and governing body.

6. Subject to the Applicant obtaining and complying with the approval of any other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the municipal Engineer, the municipal Fire Official, and any County, State, or Federal agency; provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. Further, if another governmental agency grants a waiver or variance of a regulation, which same affects this approval or any condition attached hereto, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board for review of

any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.

7. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board or the Borough of West Long Branch or any of their respective professionals and consultants, accept any responsibility for the design or the installation of the Project.

8. Subject to the provisions of section 16-2.9, Chapter XVI, Land Use Procedures, of the Ordinances of the Borough of West Long Branch, as same may hereafter be amended and/or supplemented, and successor provisions thereto, if any, which provide(s) for the expiration and/or limitation of variances as set forth therein.

9. Subject to the applicant paying to the Borough's Affordable Housing Trust Fund, any and all applicable development fees, and subject to the applicant further satisfying any and all applicable "Affordable Housing" requirements as established by State statutes/regulations and/or municipal ordinances.

Specific Conditions

1. Subject to the applicant complying with all requirements and recommendations set forth in the Board Engineer's review letters dated November 6, 2020, January 8, 2021, and February 8, 2021, and supplements thereto, if any.

2. Subject to a deed of consolidation, satisfactory in form and content to the Board Attorney, Board Engineer, and municipal Tax Assessor, being executed and recorded, so as to consolidate the two lots here at issue into a single tax lot.

3. Subject to the development being undertaken consistent with the testimony presented to the Board. Among other things: (a) the project shall be a 53-unit, age-restricted senior citizen townhouse project under condominium form of ownership; (b) of the 53 units, 11 shall be affordable housing units (and 2 of the 11 affordable units will be for very low income individuals); (c) no units within the project shall contain more than 4 bedrooms; (d) regarding the bedroom mix in the affordable housing units, 3 affordable units will contain 3 bedrooms, 6 affordable units will contain 2 bedrooms, and 2 affordable units will contain 1 bedroom; (e) the exterior facade materials of the affordable housing units will be similar in nature and appearance to the facade materials of the market-rate units; (f) the project shall comply with all Ordinance and UHAC affordable housing standards and requirements; and (g) none of the buildings shall exceed 35 feet in height.

4. Subject to all HVAC condensers being ground-mounted, and subject to the plans being revised to note same, which plan revision shall be subject to review and approval by the Board Engineer.

5. Subject to any and all decks and patios at the site being built at-grade, and subject to the plans being revised to note same, which plan revision shall be subject to review and approval by the Board Engineer.

6. Subject to the following conditions regarding grading, drainage, and stormwater management:

(a) the applicant shall submit a grading and drainage plan with sufficient spot elevations on adjacent properties, to the Board Engineer for review and approval, and comply with the Board Engineer's recommendations regarding same;

(b) the stormwater management plan (and Operations and Maintenance Plan/Manual) shall be subject to review and approval by the Board Engineer;

(c) building downspouts shall be piped into the development drainage facilities at all locations not otherwise prohibited by the NJ DEP.

7. Subject to the following conditions regarding site lighting:

(a) the development identification signs will be illuminated only by ground-mounted lights;

(b) the applicant shall submit a site lighting plan to the Board Engineer for review and approval, and site lights will be "back shielded" where designated by the Board Engineer.

8. Subject to the following conditions regarding landscaping:

(a) the applicant shall submit a landscape plan, prepared by a licensed Landscape Architect, for review and approval by the Board Engineer, and shall enhance landscaping, particularly in buffer areas around the perimeter of the site, as recommended by the Board Engineer;

(b) the applicant shall also submit an "if and where" directed plant list to supplement the landscaping pursuant to the direction of the Board Engineer;

(c) the applicant shall screen the easterly-facing (facing Norwood Avenue) portion of the fence surrounding the drainage basin, with an evergreen screen if so directed by the Board Engineer;

9. Subject to the applicant obtaining road opening permits for any and all new utility services and curb cuts.

10. Subject to the applicant replacing all (or installing new, as the case may be) sidewalks along the Norwood Avenue property frontage, and subject to the plans being revised to note same, which plan revision shall be subject to review and approval by the Board Engineer.

11. Subject to the applicant paving the Norwood Avenue roadway area curb to curb full width of the driveway area, regardless of whether or not same is required by the County, provided, however, that same is not otherwise prohibited by the County.

12. Subject to the ownership and maintenance of the on-site roads, as well as the ownership and maintenance of the on-site drainage facilities, detention basins, network of pipes, inlets, underground recharge trenches, and water quality treatment structures, being with and by the condominium association.

13. Subject to the following conditions regarding sanitary sewer facilities:

(a) the applicant shall obtain all required approvals from the Two Rivers Water Reclamation Authority regarding the applicant's proposal to connect to the sanitary sewer facilities located within Brookwillow Avenue;

(b) the applicant shall obtain, and provide to the Board Engineer and Board Attorney for review and approval, easement(s) from other property owners as necessary to make said sewer connection, and among other things, the easement(s) shall allow neighbors to the rear of the subject property to tie-into the sanitary sewer connection(s) at issue;

(c) the design for the reconstruction of Brookwillow Road (as related to or resulting from the sanitary sewer connection for the project) shall be subject to review and approval by the Borough Engineer.

14. Subject to the following conditions regarding trash and recyclables storage and disposal:

(a) trash cans and recyclables cans for each townhouse unit shall be stored within the respective garages of each townhouse unit;

(b) trash cans and recyclables cans for the condo flat units shall be stored exterior of the units on pads as designated on the plans; the applicant shall provide for two such pads, and the location of the pads shall be subject to review and approval by the Board Engineer, and the plans shall be revised accordingly upon such approval;

(c) the condominium association shall contract with a private hauler to pick-up and remove trash and recyclables from the site, and in doing so, shall ensure that such pick-up and removal complies with all applicable provisions of the NJ Hotel & Multiple Dwellings Act and Borough Ordinances.

15. Subject to the applicant paying its pro rata share of the cost of providing reasonable and necessary street improvements, and water, sewer and drainage facilities and easements therefore, located off tract but necessitated or required by the construction or improvements within the applicant's development, as determined by the Borough Engineer.

16. Subject to the following conditions regarding affordable housing issues/requirements:

(a) of the 53 total units, 11 shall be affordable housing units, and 2 of the 11 affordable units shall be for very low income individuals;

(b) 3 affordable units will contain 3 bedrooms, 6 affordable units will contain 2 bedrooms, and 2 affordable units will contain 1 bedroom;

(c) to ensure the integration of the affordable housing units within the overall development, the affordable housing units shall be located within the buildings as depicted on the plan approved by the Board during the proceedings, and occupants of the affordable units shall have access to all of the same common elements and facilities as the occupants of the market-rate units;

(d) the facade materials of the affordable housing units shall be similar in nature, quality, and appearance to the facade materials of the market-rate units, and the landscaping treatment given to the affordable housing units shall be similar to the landscaping treatment afforded the market-rate units;

(e) the project shall comply with all Borough Ordinance and all UHAC affordable housing standards, requirements, and regulations; and

(f) the applicant shall provide such further information/documentation as may be required or requested by the Borough Attorney, for review and approval regarding the entity responsible for administering the various aspects of the affordable housing units, including the following:

(i) affirmative marketing of the units in accordance with Uniform Housing Affordability Controls (UHAC) and Borough requirements;

(ii) management of the application process for potential qualifiers;

(iii) implementation/maintenance of affordability controls;

(iv) progress and monitoring reporting;

(v) any potential loan programs; and

(vi) such further information/documentation as the Borough Attorney may require in this regard.

17. Subject to the following conditions regarding the condominium association for the development:

(a) pursuant to the testimony presented during the proceedings, the subject property shall be submitted to condominium form of ownership, and in conjunction therewith the applicant shall submit the Master Deed and By-laws for the condominium association to the Borough Attorney for review and approval;

(b) among other things, the association documents shall incorporate therein the applicable provisions of the Specific Conditions of this Resolution;

(c) the association documents shall contain a provision prohibiting commercial vehicles from parking overnight at any location within the development.

18. Subject to the applicant entering into a Developer's Agreement with the Borough, satisfactory in form and content to the Borough Attorney and Borough Engineer.

19. Subject to the applicant complying with any and all requirements established by, and obtaining any and all necessary approvals/permits (or "letters of no interest" or exemption) from the following (and with the applicant providing copies of all such required approvals/permits or "letters of no interest" or exemption" to the Borough for its file):

- (a) Monmouth County Planning Board;
- (b) Freehold Soil Conservation District;
- (c) Two Rivers Water Reclamation Authority;
- (d) NJ Department of Environmental Protection;
- (e) NJ Department of Transportation;
- (f) Borough Fire Official;
- (g) Borough Engineer;
- (h) Board of Health;
- (i) Borough Traffic Safety Officer;

provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval.

ROLL CALL VOTE

THOSE IN FAVOR:

THOSE OPPOSED:

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of West Long Branch at its meeting on _____, 2021.

DATED:

, Secretary